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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/642,558  | 08/18/2003  | Scott R. Charest     | 0269                | 4232             |
| 7590 07/14/2004   |             |                      |                     |                  |
| Scott R. Charest<br>880 Sixth Avenue, NE<br>Largo, FL 33770 |             |                      |                     |                  |
| EXAMINER<br>JACKSON, ANDRE L                                |             |                      |                     |                  |
| ART UNIT  |             | PAPER NUMBER         |                     |                  |
| 3677  |             |                      |                     |                  |

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/642,558

Applicant(s)

CHAREST, SCOTT R.

Examiner

Andre' L. Jackson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2003.
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8/18/03
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### Specification

The abstract of the disclosure is objected to because of the following informalities:

In line 4 of the abstract, after "graspable", change the word "portion" to read -- projection--.

This change will be consistent with the terminology used in the body of the disclosure.

Also, after the last word of the abstract, insert the proper punctuation.

Correction is required. See MPEP § 608.01(b).

### Claim Objections

Claims 1 and 3 are objected to because of the following informalities:

In claim 1, element c, second line, change "lipped" to read -- lip --.

In element d, second line, change "lipped" to read -- lip --.

Change element "D)" from upper case to -- d) -- lower case to coincide with the other lettered elements of claim 1.

As to claim 3, change "pivotly" to read -- pivotably --. Appropriate correction is required.

### Allowable Subject Matter

Claims 1-5 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art made of record does not disclose or suggest the combination of features as set forth in applicant's claims. In particular, the prior art does not disclose or suggest a clamp with a pair of overlapping ends, where one end being an inner end and the other end being an outer end, the

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outer end having a plurality of toothed indentations on the outer surface of the overlapping portion, forming a toothed portion. A securing member is provided with means pivotally attached to the inner end and a locking member including means to be pivotally connected to the securing member. A resilient means biases the locking member relative to the securing member wherein the locking member includes toothed projections that cooperate with the toothed portion of the outer end.

Dyer is considered the closest prior art. Dyer discloses a conduit clamp comprising pair an inner arm and an outer arm in overlapping relationship. The outer arm defines a plurality of toothed indentations on an outer surface forming a toothed region. A securing member is provided with a locking member having toothed projections that cooperate with the toothed region of the outer end. However, Dyer does not disclose or suggest the combination of limitations set forth in applicant's claims, namely, Dyer, at the least, fails to disclose a securing member with means to be pivotally attached to the inner end, a locking member including means to be pivotally connected to the securing member and a resilient means that biases the locking member relative to the securing member as set forth in applicant's claims.

None of the other prior art references not relied upon cure the deficiencies of Dyer and consequently none of the prior art references whether taken alone or combined disclose or suggest the combination of limitations as presented in applicant's claims.

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### Conclusion

This application is in condition for allowance except for the following formal matters:

#### Abstract and Claim Objections

Prosecution on the merits is closed in accordance with the practice under *Ex parte*

*Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre' L. Jackson whose telephone number is (703) 605-4276.

The examiner can normally be reached on Mon. - Fri. (10 am - 6 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy J. Swann can be reached on (703) 306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

André L. Jackson  
Patent Examiner  
AU 3677

ALJ



ROBERT J. SANDY  
PRIMARY EXAMINER